

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

VINCENT C. MCGEE,
Petitioner

v.

BRIAN V. COLEMAN,
Respondent

: CIVIL ACTION NO. 3:CV-11-2296
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: (Judge Nealon)
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MEMORANDUM

Petitioner, Vincent McGee, an inmate confined in the Fayette State Correctional Institution, LaBelle, Pennsylvania, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. He attacks a conviction imposed by the Court of Common Pleas for Centre County, Pennsylvania. (Doc. 1). Along with the filing of his petition, McGee filed an application for leave to proceed in forma pauperis. (Doc. 4).

On December 16, 2011, in accordance with United States v. Miller, 197 F.3d 644 (3d Cir. 1999) and Mason v. Meyers, 208 F.3d 414 (3d Cir. 2000), the Court issued formal notice to McGee that he could either have the petition ruled on as filed, that is, as a § 2254 petition for writ of habeas corpus and heard as such, but lose his ability to file a second or successive petition, absent certification by the court of appeals, or withdraw his petition and file one all-inclusive § 2254 petition within the one-year statutory period prescribed by the Antiterrorism Effective Death Penalty Act ("AEDPA"). (Doc. 5).

On January 25, 2012, McGee returned the notice of election, indicating that he wished to withdraw his petition so that he may file one, all-inclusive petition under 28 U.S.C. § 2254 within the one-year limit for filing such a petition. (Doc. 8). Thus, Petitioner's application to proceed in forma pauperis will be granted for purposes of filing the petition and the same will be deemed withdrawn without prejudice.

A separate Order will be issued.

Dated: January 27, 2012


United States District Judge